

RICHARD L. CALCARA*
JOSEPH W. MORELAND
THOMAS H. MARSHALL
JAMES R. "DICK" WAERS
MICHAEL J. STAPP**
G. GORDON ATCHESON**
CURTIS G. BARNHILL
ROBERT J. HENRY***
CHARLES R. SCHWARTZ*
MARTIN W. WALTER
ADRIENNE H. WYKER
ANGELA M. FORD
NATALIE M. MILLER
EMILY M. YERETSKY†
SCOTT L. BROWN

† ADMITTED IN MO
* ADMITTED IN KS
** ADMITTED IN KS, MO AND NE
*** ADMITTED IN MO, NE, IA AND D.C.
ALL OTHERS ADMITTED IN KS AND MO

LAW OFFICES
BLAKE & UHLIG, P.A.
475 NEW BROTHERHOOD BLDG.
753 STATE AVENUE
KANSAS CITY, KANSAS 66101
913/321-8884
913/321-2396 TELEFAX



MISSOURI OFFICE
2500 HOLMES
KANSAS CITY, MO 64108
816/472-8883
NEBRASKA OFFICE
9615 IDA STREET
OMAHA, NE 68122
402/345-9449
402/345-8204 FAX

JOHN J. BLAKE (Retired)

ROBERT L. UHLIG (1929-1981)
RICHARD B. THOMPSON (1952-1981)
ROBERT L. DAMERON (1951-2001)

March 22, 2005

Via U.S. Express Mail

Labor and Industrial Relations Commission
State of Missouri
P.O. Box 599
Jefferson City, Missouri 65102-0599

FILED

MAR 30 2005

**LABOR AND INDUSTRIAL
RELATIONS COMMISSION**

RE: Supplemental Objections to Annual Wage Order No. 12 for Pettis County

Dear Sirs/Mesdames:

On behalf of the Bridge, Structural and Ornamental Iron Workers, Local Union No. 10 (hereinafter, "the Union"), and pursuant to 8 C.S.R. 20-5.010, this firm filed objections by letter dated March 22, 2005, regarding proposed Annual Wage Order No. 12 for Pettis County. Since those objections were filed, the Union has discovered additional hours worked last year in Pettis County that were not previously reported. This letter and all supporting documents are being filed in triplicate with the Commission.

The Union specifically objects to the prevailing wage set under Annual Wage Order No. 12 for the occupational title of Iron Worker. Annual Wage Order No. 12 fixes the basic hourly rate for this job classification at a mere \$18.90 per hour with no fringe benefit payments required, and overtime to be paid pursuant to Federal law. As the attached documents plainly demonstrate, Annual Wage Order No. 12 does not accurately reflect the appropriate Iron Worker scale for Pettis County.

In September and October of 2004, AMC Equipment LLC, which is signatory to a collective bargaining agreement with the Union, performed work on the Youth Building and Beef House Renovations project on the Missouri State Fairgrounds in Sedalia (Project I.D. #2004-80-10). This was a prevailing wage project subject to the provision of Annual Wage Order No. 11. AMC employed two iron workers on the project, Tim Fink and Bobby Lindsay. While AMC properly paid a straight-time hourly rate of \$21.50 (not including an additional \$2.50 per hour for foreman pay) and fringe benefits of \$15.08 an hour, AMC underreported hours worked on the project. Appendix A is a copy of the Iron Worker Fringe Benefits Monthly Remittance Report submitted by AMC for hours worked on the project in September 2004. You will note that AMC reports that Tim Fink and Bobby Lindsay each worked 47 hours. Appendix B is a copy

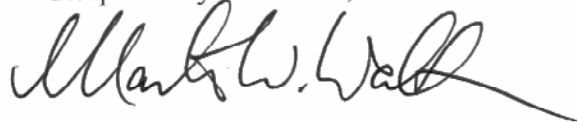
of Mr. Fink's paystubs for work performed in September and October of 2004; those paystubs show that Tim Fink worked a total of 68 hours during this time period. Mr. Fink has agreed to testify that all of these hours were worked on the project in question. Accordingly, there were 21 additional hours worked in Pettis County that have not previously been accounted for. All 21 hours were worked under Annual Wage Order No. 11 and payable at the prevailing wage rate specified above. Appendix C is a sheet that indicates the wage rates that AMC was bound to pay under the terms of the applicable collective bargaining agreement; you will note they are identical to the rates prescribed by Annual Wage Order No. 11.

In light of the overwhelming evidence that journeymen iron workers were previously paid a total hourly rate of \$36.58, the Union objects to Annual Wage Order No. 12 and requests that the Commission adjust the published Iron Worker scale to be consistent with the rates paid by AMC Equipment LLC for work performed in Pettis County.

The original and three copies of these objections are filed with a request that one file-stamped copy be returned to me, the undersigned, who hereby certifies that a copy of this Letter of Objection along with the enclosures, have been mailed this date, postage pre-paid by U.S. mail to the Division of Labor Standards, P.O. Box 449, Jefferson City, Missouri 65102.

In view of the foregoing information and the supporting enclosures, we submit that Annual Wage Order No. 12 should be revised to reflect the wage rates paid to iron workers by AMC Equipment LLC and the other subject construction companies (which were identified in my March 22 letter) in Pettis County. I thank you very much for your consideration, and should you have any questions concerning this matter, I will be pleased to hear from you.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Martin W. Walter", with a long, sweeping horizontal stroke extending to the right.

Martin W. Walter

MWW:wjm
Enclosures

cc: Division of Labor Standards
David Coleman, Iron Workers Local No. 10